

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Case No. 23-1887
(5:23-cv-00158-JPB)

WEST VIRGINIA PARENTS FOR RELIGIOUS FREEDOM; PASTOR CHRIS FIGARETTI; JUDD UHL, individually and on behalf of their minor children, and on behalf of others similar situated,

Plaintiffs - Appellants

v.

DR. MATTHEW CHRISTIANSEN, in his official capacities as the State Health Officer and Commissioner of the Bureau of Public Health,

Defendant - Appellee.

Appeal from the United States District Court
for the Northern District of West Virginia at Wheeling

CONSENT MOTION TO EXTEND BRIEFING DEADLINE

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Counsel for Defendant-Appellee

Defendant-Appellee Dr. Matthew Christiansen moves for a 30-day extension of the deadline to file his response brief, or until January 17, 2024. Plaintiff-Appellants consent to the requested extension.

In further support of the motion, Appellee states as follows:

1. Appellant noticed this appeal on August 23, 2023. This Court entered a briefing schedule setting the deadline for Appellants' opening brief as October 4.
2. On September 7, Appellants sought, and this Court granted, a 44-day extension of time to file their opening brief, or until November 17, the Friday before the week of Thanksgiving. Appellee did not object to Appellants' motion to extend. Appellee's response brief deadline was thereby moved to December 18.
3. Appellants filed their opening brief on Friday, November 17.
4. Good cause exists to extend the deadline for Appellee's response brief by 30 days. In addition to the intervening Thanksgiving holiday, undersigned counsel for Appellee has oral argument during the next session of this Court, on December 7. *See No. 22-2271.* In addition, undersigned counsel has an opening appeal brief due on December 14 in

the West Virginia Supreme Court of Appeals, *see* No. 23-466, and an opening brief due December 15 in this Court, *see* No. 23-1853.

5. Finally, an extension of a lesser duration would fall around the Christmas and New Year's holidays.

6. This is Appellee's first requested extension in this case. (A prior motion seeking this relief was denied as premature; with the filing of Appellants brief, this request is now ripe).

7. Therefore, Appellee requests a 30-day extension in which to file his response brief.

Accordingly, this Court should enter an order extending the deadline to file the response brief to January 17, 2024.

Respectfully submitted,

/s/ J. Zak Ritchie
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the parties in this case.

/s/ J. Zak Ritchie
Counsel for Appellee